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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	CASE NO. CR_____AHM
)	
Plaintiff,)	
)	
v.)	STANDING ORDER RE:
)	CRIMINAL TRIALS
)	
)	
)	
Defendant.)	
_____)	

THE GOVERNMENT SHALL SERVE A COPY OF THIS ORDER ON ALL DEFENSE COUNSEL PROMPTLY AFTER THE FIRST APPEARANCE OF COUNSEL AT THE POST-INDICTMENT ARRAIGNMENT.

The above mentioned cause of action is set for trial before the Honorable A. Howard Matz.

COURTROOM PREPARATION AND LAST CONFERENCE

1. Please arrive at the Courtroom not later than 8:30 a.m. on the first day of trial. At 9:00 a.m. counsel will meet with the Court for the “last conference” (see below). As is disclosed in the ensuing provisions, please use the preceding quarter-

1 hour to set up audio equipment, distribute exhibits, and discuss logistical and other
2 matters with the Courtroom Deputy Clerk. If counsel need to arrange for the
3 installation of their own equipment, such as video monitors or an overhead projector,
4 etc., they should call the Courtroom Clerk no later than 4:30 p.m. 2 COURT DAYS
5 BEFORE trial, so that the necessary arrangements may be made.

6 2. Upon arriving for trial, Counsel for the Government shall present the
7 Courtroom Deputy Clerk with the following documents:

- 8 (a) Three copies of the Government's witness list.
- 9 (b) Three copies of the Government's exhibit list.
- 10 (c) In addition to the original exhibits, two sets of all of the
11 Government's exhibits (except those that cannot be reproduced,
12 such as weapons) with official exhibit tags attached, bearing the
13 same number shown on the exhibit list. Exhibit tags can be
14 obtained from the Clerk's Office – Records Department.
- 15 (d) An agreed statement (accepted by defense counsel) that briefly
16 describes the charges, in clear, simple paraphrased fashion. Each
17 separate alleged crime shall be mentioned. E.g., "Defendant is
18 accused of defrauding Bank of America by kiting checks drawn on
19 accounts that lacked the necessary funds. He also is accused of
20 conspiring with John Smith to defraud that bank. He denies the
21 charges."

22 3. The Court and witness' copies of the Government's exhibits shall be placed
23 in three-ring binders tabbed with the exhibit number for easy reference. Defense
24 counsel shall use the same method, if practical, in providing the Court with a copy of
25 their exhibits as introduced. That is, defense counsel should provide a pre-tabbed
26 binder and 3-hole punch the exhibit(s) before handing them to the Clerk. (Defense
27 counsel do not have to deliver their exhibits to the Clerk on the first day of trial;
28 however, they are responsible for affixing tags to these exhibits which they intend to

use in the Defendant's case.) (Also, defense counsel must provide both the courtroom Deputy Clerk and the Court Reporter with the defense witness list and defense exhibit list.) Exhibits shall be numbered 1, 2, 3, 4, etc., NOT 1.1, 1.50, etc. Counsel for both (all) sides should agree on the range of numbers to be assigned. (*E.g.*, Government exhibits to be 1-99, Defendant One to be 100-199; Defendant Two 200-299, etc.) If a blow up is an enlargement of an existing exhibit, it shall be designated with the number of the original exhibit followed by an "A."

4. Counsel for the government should be aware that the Court will order that exhibits such as firearms, narcotics, etc., remain in the custody of the agents during the pendency of the trial. It shall be the responsibility of the agents, in coordination with Courthouse Security Officers, to produce such items for court, secure them at night and guard them while in the courtroom. All exhibits will be returned to counsel at the conclusion of the trial.

5. Last Conference. Before trial commences, at the 9:00 a.m. Last Conference, the Court will give counsel an opportunity to discuss administrative matters and anticipated procedural or legal problems. At that time we will discuss *voir dire* procedures, *Batson* objections, and any unusual factors. Counsel for the Government shall bring to the meeting the attached Trial Witness Estimate Form which all counsel should have filled in. In the event defense counsel has not provided estimates for cross-examination, she or he will have to do so at the Last Conference.

JURY INSTRUCTIONS AND VERDICT FORMS

6. Jury instructions in the form described below shall be submitted no later than the Wednesday of the week prior to trial. Counsel need only submit proposed substantive instructions. The Court will formulate general instructions based primarily on the format set out by the Committee on Model Jury Instructions for the Ninth Circuit, *Manual of Model Criminal Jury Instructions for the Ninth Circuit*.

7. The parties must submit joint jury instructions, and shall email a Word/WordPerfect version of the instructions to ahm_chambers@cacd.uscourts.gov.

(See ¶ 11.) In order to do so, the parties shall meet and confer sufficiently in advance of the required submission date with the goal of agreeing upon instructions and any proposed special verdict forms. (The Courtroom Deputy will prepare general verdict forms.) The Court prefers counsel to use the instructions recommended by the Committee on Model Criminal Jury Instructions for the Ninth Circuit, *Manual of Model Criminal Jury Instructions for the Ninth Circuit*. Another suggested source is Edward J. Devitt, *et al.*, *Federal Jury Practice and Instruction*. The jury instructions shall be submitted as follows: (1) joint jury instructions, *i.e.*, those instructions to which all parties agree; and (2) disputed jury instructions, *i.e.*, those instructions propounded by a party to which another party objects. The party objecting to the disputed instructions shall file its objections no later than the Friday before the trial. The party must state the reasons for the objection, provide a proposed alternative instruction with supporting authority, and provide copies of all authorities. Each requested jury instruction shall be numbered and set forth in full on a separate page, citing the authority or source of the requested instruction except on the “jury copy” described below in paragraph 8. Please be brief, clear and concise. Write in plain English. Do not slip argument into the proposals, and please organize them in logical sequence.

8. The Court will send several copies of the jury instructions into the jury room for use by the jury during deliberations. Accordingly, in addition to the filed copies, an extra set of the proposed instructions (the “jury copy”,) shall be submitted to the Court with only the text of an instruction on each page (*i.e.*, no titles, supporting authority, indication of party proposing, etc). This will be referred to as the “jury copy” of the instructions. (Duplicates will be made by the Court.)

9. An index page shall accompany all jury instructions that are submitted to the Court. The index page shall indicate the following:

- a. The number of the instruction;
- b. A brief title of the instruction;

- c. The source of the instruction; and
d. The page number of the instruction.

EXAMPLE:

<u>Number</u>	<u>Title</u>	<u>Source</u>	<u>Page Number</u>
1	Duty of the Jury	9 th Cir. 1.01	1

10. If counsel seek a special verdict, counsel shall follow the procedure set forth in paragraph 7 in order to formulate a joint proposed verdict form. Counsel shall submit the proposed verdict form with the proposed jury instructions.

11. If counsel prepared the jury instructions or the proposed special verdict, counsel shall provide the Court with an electronic version of the proposed instructions in either Word or WordPerfect, along with the hard copy. Counsel should email these documents to ahm_chambers@cacd.uscourts.gov.

TRIAL PROCEEDINGS

12. Trial days usually are Tuesday through Friday, 9:00 a.m. to 4:00 p.m., with various breaks and a lunch break. On each day after the first, the Court reserves the time from 8:30 - 9:00 a.m. to handle legal and administrative matters outside of the presence of the jury. Counsel are urged to anticipate matters which may need discussion or hearing outside of the presence of the jury and to raise them during this period.

13. Counsel shall not refer to their clients by their first names during trial.

14. Counsel shall not discuss the law or argue the case in opening statements.

15. When objecting, counsel shall state only “objection” and the legal ground for the objection (*e.g.*, hearsay, irrelevant, etc.). Court permission is needed to argue an objection, and the argument must be outside of the hearing of the jury. No counsel shall respond directly to any other lawyer’s statements or objections; there shall be no colloquy between the lawyers.

1 16. Counsel shall not approach the clerk or the witness box without the Court's
2 permission.

3 17. Counsel shall rise when addressing the Court. In jury cases, counsel and
4 the defendants shall rise when the jury enters or leaves the courtroom. [Special
5 procedures or exceptions may apply to defendants who are restrained.]

6 18. Counsel shall address all remarks to the Court. Counsel shall not directly
7 address the Courtroom Deputy Clerk, the Court Reporter, or opposing counsel, unless
8 it is to propose a stipulation or other procedure, in which case it shall be out of the
9 hearing range of jurors. Counsel shall address to the Court all requests to have an
10 exhibit placed in front of a witness.

11 19. Counsel shall not make an offer of stipulation unless he/she has conferred
12 with opposing counsel and believes that the stipulation will be accepted. Any
13 stipulation of fact will require the defendant's personal concurrence and shall be
14 submitted to the Court in writing for approval. Defense counsel should explain any
15 proposed stipulation to him/her in advance.

16 20. While Court is in session, counsel may not leave the counsel table to confer
17 with investigators, secretaries, or witnesses in the back of the courtroom unless the
18 Court grants permission to do so in advance.

19 21. When a party has more than one lawyer, only one of the lawyers may
20 conduct the examination of a given witness and only that lawyer may handle
21 objections during the testimony of that witness.

22 22. If a witness was on the stand before a recess or adjournment, counsel shall
23 have the witness back on the stand and ready to proceed when Court resumes. If there
24 is more than a brief delay between witnesses, the Court may deem that the party has
25 rested.

26 23. The Court attempts to cooperate with physicians and other professional
27 witnesses and, except in extraordinary circumstances, will accommodate them by
28

1 permitting them to be examined out of sequence. Counsel should discuss this issue
2 with opposing counsel. If there is an objection, please inform the Court in advance.

3 **QUESTIONNAIRES**

4 24. If any counsel wishes to submit a written questionnaire to each prospective
5 juror, s/he shall move in writing for leave to do so, and shall include the proposed
6 questionnaire with the motion. Because the Jury Department needs ample time to
7 arrange for pre-selected jurors to be available to complete a questionnaire, such
8 motion shall be filed not later than nine weeks before the trial date, to be heard not
9 later than five weeks before the trial date.

10 **MISCELLANEOUS**

11 25. Please read the Court's Civil Jury Trial Order for guidance as to other
12 matters that may have bearing in a criminal case.

13 26. Counsel shall inform the Courtroom Deputy in advance if any witness or
14 member of the trial team requires an accommodation for a physical disability.

15 The Court thanks counsel for their anticipated cooperation.

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18 Dated: _____

A. HOWARD MATZ
United States District Judge